

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REGIS G. VEATCH, a Pennsylvania)
Resident and MARILYN S. VEATCH)
his wife,) 2:07-cv-140
)
Plaintiffs,)
v.)
ALLEGHENY COUNTY BUREAU OF)
CORRECTIONS and SERVICE)
EMPLOYEES INTERNATIONAL)
UNION,)
Defendants.)

ORDER OF COURT

AND NOW, this 7th day of June, 2007, upon consideration of the following:

1. Plaintiffs' Complaint;
2. Defendant, Allegheny County Bureau of Corrections MOTION TO DISMISS with Brief in Support (Document Nos. 5 and 6), PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANT, ALLEGHENY COUNTY BUREAU OF CORRECTIONS, MOTIONS TO DISMISS (Document No. 10), DEFENDANT'S REPLY TO PLAINTIFFS' BRIEF IN OPPOSITION TO MOTION TO DISMISS (Document No. 12) and PLAINTIFFS' SUR-REPLY TO DEFENDANT, ALLEGHENY COUNTY BUREAU OF CORRECTIONS, REPLY TO PLAINTIFFS' BRIEF IN OPPOSITION TO MOTION TO DISMISS (Document No. 13); and,
3. Defendant, SERVICE EMPLOYEES INTERNATIONAL UNION'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT with Brief in Support (Document Nos. 8 and 9), PLAINTIFFS' BRIEF IN OPPOSITION TO DEFENDANT, SERVICE EMPLOYEES INTERNATIONAL UNION, MOTION TO DISMISS (Document No. 11), REPLY OF DEFENDANT SERVICE EMPLOYEES INTERNATIONAL UNION TO PLAINTIFF'S BRIEF IN OPPOSITION TO SEIU'S MOTION TO DISMISS (Document No. 16) and PLAINTIFFS' SUR-REPLY TO DEFENDANT, SERVICE EMPLOYEES INTERNATIONAL UNION, REPLY TO PLAINTIFFS' BRIEF IN OPPOSITION TO MOTION TO DISMISS (Document No. 18).

The Court finds the reasoning in the briefs of Defendants to be persuasive and therefrom concludes that named Defendant, Allegheny County Bureau of Corrections, is a specific and separate operating department of the Allegheny County government. Allegheny County is a political subdivision of the Commonwealth of Pennsylvania and that Allegheny County, not the County Jail Oversight Board, was the employer of Plaintiff, Regis G. Veatch, during the relevant time period referenced in the Complaint. This action has been brought pursuant to Section 301(a) of the federal Labor Management Relations Act of 1947, 29 U.S.C. §185 et seq. ("Act"), and Allegheny County as a political subdivision is not a cognizable employer as defined under or subject to said Act. NLRB v. Natural Gas Utility District, 402 US 600 (1971). Therefore this Court lacks subject matter jurisdiction over Plaintiffs' claims.

NOW THEREFORE, the Motions to Dismiss of Allegheny County Bureau of Corrections and Service Employees International Union are **GRANTED** and Plaintiffs' Complaint is **DISMISSED WITH PREJUDICE**.

The Clerk shall docket this case closed.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

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